



New York State Department of Labor  
David A. Paterson, Governor  
M. Patricia Smith, Commissioner

DIVISION OF LABOR STANDARDS  
75 VARICK STREET 7<sup>th</sup> FLOOR  
NEW YORK, N.Y. 10013

October 2, 2009

Mary Manning Walsh Nursing Home  
1339 York Avenue  
New York, NY 10021  
Attn: Dennis Lalli

Re: 03-08-0097 vs. Mary Manning Walsh Nursing Home

Dear Sir/Madam,

This letter is to inform you that a Minimum Wage/Overtime wage & Unpaid Supplemental wage claim was filed against this company by Ms. Joan Ochei. We have reviewed the information provided by the claimant and based on the information provided, we have concluded our investigation.

Ms. Ochei was not issued a pay stub during the pay periods ending on 7/7/2007 & 7/21/2007.

- On 7/7/07 claimant should have received a check in the amount of \$ 1191.45 gross pay. This should have included 45 hrs worked, 10% shift pay @ 37.5 hrs & holiday @ 7.5 hrs. (Independence Day). Claimant was given a check in the amount of \$766.82 without pay stub.
- On 7/21/07 claimant should have received a check in the amount of \$1,267.50 gross pay. Claimant worked a total of 52.5 hrs & 10% shift pay @ 37.5. Claimant was given a check in the amount of \$577.91 without pay stub.
- Also note that claimant did not receive holiday pay for Labor Day, week ending 6/2/07 & Independence Day week ending 7/7/07. This claimant was paid for those holidays during the 2006 year.

Accordingly, we have computed an underpayment in the amount of \$ \$1,266.32 for Joan Ochei, respectively. Enclosed you will find a New Recapitulation Sheet listing the period and amount due as well as a self-addressed envelope.



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Failure to pay wages, minimum wage, and overtime are criminal as well as civil violations of Articles 6 and 19 of New York State Labor Law. In addition officers of the corporation and representatives who violate the law subject themselves to prosecution in Criminal Court as well as to civil action entailing the assessment of interest at the rate of 16 % commencing on the date of the violation and penalties up to 200% on the unpaid wages.

You should be aware that under the law, officers and agents of corporations are personally responsible for the failure of the corporation to pay wages and promised benefits. Whether or not a corporation is active or has been dissolved, its officers and agents are subject to the criminal penalties imposed under the Law for their failure to abide by it.

Lastly, a Notice of Labor Law Violation has been issued for **Mary Manning Nursing Home** on failure to provide proper payroll records, including timesheets, to the New York State Department of Labor. New York State Labor Law mandates that employers maintain **complete and accurate** payroll records, including daily time records, for all employees for a period of no less than six (6) years, and submit them upon request to the NYS Department of Labor. **If payment is received by due date, we will not pursue any penalties for NYS labor law violations issued.**

Please instruct your client to remit a check payable to the Commissioner of Labor in the amount \$ 1,266.32 no later than **October 22, 2009**, in order to avoid further legal action, including the imposition of interest and penalties as described above.

If you have any questions, you may reach me at the telephone number below.

Very truly yours,

A handwritten signature in cursive script that reads "Carla Valencia".

Carla Valencia  
Labor Standards Investigator

**Exhibit T**

Mary Manning Walsh  
CHECK REQUISITION VOUCHER

DEPARTMENT: Human Resources

09/24/2009

VENDOR NAME Commissioner of Labor

VENDOR ADDRESS NYS Departmetn of Labor  
Division of Labor Standards, 75 Varick Street, 7th Floor  
New York, NY 10013

VENDOR NUMBER

7333CHECK AMOUNT \$1,266.32PURPOSE Violation Notice

Approved By

Hugo Pizarro

\* Please notify Peter Hill when the check is ready

REQUIRED BY: ASAP

Do Not Send it out unless notified. Thank you

FOR FISCAL / EDP ONLY

PAID	ACCOUNT NO	ACCOUNT NAME	AMOUNT
CHECK # _____	_____	_____	_____
DATE _____	_____	_____	_____
APPROVED _____	_____	_____	_____

## ACCOUNTING

----- Mail direct to payee

----- Send attached forms

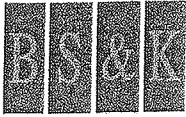
----- Return to Facility

6020-0400BH 9/28/09

00355

**Exhibit U**

ArchCare/Lm 324342



BOND, SCHOENECK & KING, PLLC  
ATTORNEYS AT LAW ■ NEW YORK FLORIDA KANSAS

DENNIS A. LALLI  
Direct: (646) 253-2312  
Fax: (646) 253-2379  
DLalli@BSK.com

October 14, 2009

Carla Valencia  
Labor Standards Investigator  
New York State Department of Labor  
75 Varick Street, 7th Floor  
New York, New York 10013

Re: Mary Manning Walsh Nursing Home/Joan Ochei  
Case ID No. LS03 080097  
FEIN 13-6220617

Dear Ms. Valencia:

We enclose the employer's check drawn to the order of the "Commissioner of Labor" in the amount specified in the Recapitulation Sheet you sent earlier in the referenced matter.

Very truly yours,

  
Dennis A. Lalli

DAL/omo

Enc.

330 Madison Avenue, New York, NY 10017-5001 ■ Phone: 646-253-2300 ■ Fax: 646-253-2301 ■ www.bsk.com

29464.1 10/14/2009

00364

13493

MARY MANNING WALSH

REFERENCE NO.	DESCRIPTION	INVOICE DATE	INVOICE AMOUNT	DISCOUNT TAKEN	AMOUNT PAID
VIOL.NOTICE		9/24/2009	1,266.32	.00	1,266.32
CHECK DATE		PAYEE		DISCOUNTS TAKEN	CHECK AMOUNT
09/28/2009		COMMISSIONER OF LABOR		0.00	1,266.32

THE FACE OF THIS CHECK IS PRINTED BLUE - THE BACK CONTAINS A SIMULATED WATERMARK

13493

MARY MANNING WALSH  
 Operating Account  
 205 Lexington Avenue \*\*2nd Floor\*\*  
 New York, NY 10016

Sterling National Bank  
 425 Park Avenue  
 New York, NY 10022  
 I-777-260

DATE AMOUNT  
 09/28/2009 \*\*\*\*1,266.32

PAY ONE THOUSAND TWO HUNDRED SIXTY SIX & 32/100 \*\*\*\*\*

TO THE ORDER OF  
 COMMISSIONER OF LABOR  
 DIV OF LABOR STANDARDS  
 75 VARICK STREET, 7TH FLR  
 NEW YORK, NY 10013

  
 AUTHORIZED SIGNATURE

⑈013493⑈ ⑆026007773⑆ ⑈370581113⑈

00365